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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,785	07/24/2001	Sadayuki Sakuta	01286	3546

466 7590 06/24/2005

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EXAMINER

LAstra, DANIEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,785

Applicant(s)

SAKUTA, SADAYUKI

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8 have been examined. Application 09/910,785 has a filing date 07/24/2001 and priority data 07/24/2001.

Response to Amendment

2. In response to Non Final Rejection filed 12/15/2004, the Applicant file an Amendment on 03/15/2005, which added new claims 7 and 8.

Claim Rejections - 35 USC § 112

3. Claims 7 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 7 and 8 recites the limitation "an address for said first web site that is useable for only one time by said one user terminal". Said limitation is not taught by the Applicant's specification. For purpose of art rejection, the Examiner would interpret said limitation as meaning that for a user's terminal being able to access a first website, said user's terminal would need go through a second website.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messer (U.S. 5,991,740).

As per claims 1, 2 and 3 Messer teaches:

An internet advertising system comprising an advertiser's web server having service or good information, an advertising web server having advertising information of said advertiser's web server, a plurality of user terminals, and a network for connecting said advertiser's web server, said advertising web server and said user terminals together (see column 2, lines 21-42; column 4, lines 44-59; column 8, lines 52-67; column 9, lines 15-25). Messer does not expressly teach said advertiser's web server allows an access request from each of said user terminals only if said access request passes through said advertising web server, and wherein said advertiser's web server rejects a direct access request from each of said user terminals. However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a Content provider would be more than willing to bind a contract with a Merchant to place a Merchant's ad banner into the Content provider website, if the contract indicates that the Merchant would reject a direct access request from each user terminals to the Merchant's website. This feature would guarantee a referral commission to the Content provider, as a Merchant would only allow an access request to the Merchant's website if said access request passes through said Content provider website.

As per claim 4, Messer teaches:

The internet advertising system as defined in claim 1, wherein said advertiser's web server allows an access request delivered from each of said user terminals if said access request is attached with an ID code (see column 8, lines 52-67).

As per claim 5, Messer teaches:

The Internet advertising system as defined in claim 4, wherein said ID code is unique to said advertising web server (see column 8, lines 52-67).

As per claim 6, Messer teaches:

The internet advertising system as defined in claim 1, wherein said advertiser's web server allows only an access request linked with information provided from said advertising web server to each of said user terminals (see column 7, lines 25-30).

As per claims 7 and 8, Messer teaches:

An Internet advertising system comprising:

A plurality of user terminals (see column 5, lines 33-46)

An advertiser's web server that provides a first web site that includes information about the advertiser's goods and/or services (see figure 1, item 40, "merchant");

an advertising web server (i.e. content provider, figure 1, item 20) that provides a second web site that includes a link to said first web site id advertising web server being arranged and adapted to append an identification code that is unique to said advertising web server to a request for access, via said link, to said first web site by one of said plurality of user terminals (see column 8, lines 52-67),

a network that connects said advertiser's web server, said advertising web server, and said plurality of user terminals to each other (see figure 1).

said advertiser's web server being arranged and adapted to evaluate a validity of said identification code and to provide to said one user terminal, in response to the request and when the identification code is valid, an address for said first web site (see column 8, lines 52-67). Messer fails to teach an address for said first web site that is useable for only one time by said one user terminal. However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a Content Provider would be more than willing to bind a contract with a Merchant to place a Merchant's ad banner into the Content provider website, if the contract indicates that an address for said Merchant web site contained in said banner is useable for only one time by a user terminal. This feature would guarantee that each time a user's terminal wants to access a merchant's website, said user's terminal would have to visit a content provider's website, therefore, guaranteeing said content provider a referral commission.

Response to Arguments

5. Applicant's arguments filed 03/15/05 have been fully considered but they are not persuasive. The Applicant argues that the Messer system provides a clearinghouse that tracks the purchases and provides fees to the content provider and restricting access to a merchant website would not enhance the Messer system. The Examiner answers that it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that permitting access to a merchant's website only by going through a content provider's website would serve as a big incentive for said content providers to place in said content provider's website banners ads of said

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merchant's website. This feature would guarantee that each time a user's terminal wants to access a merchant's website, said user's terminal would have to link to said content provider's website, therefore, guaranteeing said content provider a referral commission.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DANIEL LASTRA** whose telephone number is 571-272-6720. The examiner can normally be reached on 9:30-6:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 571-272-6724. The Right fax number of the Examiner is 571-273-6720.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
June 11, 2005


RAQUEL ALVAREZ
PRIMARY EXAMINER